

Appl. No. : 10/001,736  
Filed : October 31, 2001

### **REMARKS**

Claims 1-9, 11-26, and 28-36 stand rejected. Claims 10 and 27 would be allowable if rewritten to include all of the limitations of the base claims and any intervening claims. Thus, Claims 10 and 27 have been rewritten into independent form as new Claims 37 and 38, respectively. Applicant has amended Claims 1, 3, 4, 7-13, 15-20, 22, 25-30, and 32-36 and added new Claims 37 and 38. Thus, Claims 1 through 38 are pending in the application and are presented for reconsideration and further examination in view of the amendments and the following remarks.

#### **Drawing Objections**

Figures 8a and 8b were objected to for not containing labels of the parts of the invention. In response, Applicant is submitting a Replacement Sheet for Figures 8a and 8b along with a formal drawing for Figure 9. In view of the proposed drawing changes, Applicant submits that these objections are overcome.

#### **Objection to the Specification**

The claim terms "quantity" and "labeling" have been replaced with "characteristic indicative of an energy content" and "identifying selected blocks," respectively. (See page 10, lines 27-28 and page 25, lines 16-30). In view of the proposed changes, Applicant submits that the objections to the specification have been overcome.

#### **Objection to Claim 19**

Claim 19 has been amended to change "the aid first sub-encoded" to "the first sub-encoded." In view of the proposed change, Applicant submits that the objection to Claim 19 is overcome.

#### **Rejection under §35 U.S.C. §102(b) over Kim (U.S. Patent No. 5,777,680) and under §35 U.S.C. §103(a) over Kim (U.S. Patent No. 5,777,680)**

The Examiner rejected independent Claims 1, 7, 11, 12, 13, 15, 16, 17, 18, 19, 20, 25, 28, 29, 30, 32, 33, 34, 35, and 36 as either anticipated by U.S. Patent No. 5,777,680 or obvious in view of U.S. Patent No. 5,777,680. Amended Claim 1 is directed to method of adaptive

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encoding at least a part of a current frame of a sequence of frames of framed data that includes, among other elements, “performing a second sub-encoding on the first sub-encoded block or at least one block of the first set of blocks, the second sub-encoding adapting at least one encoding parameter based upon a characteristic indicative of an energy content of the first sub-encoded part of the current frame, the characteristic being determined by prediction at least in part from of the frames of the sequence only those frames that are a reference frame.” Similar amendments have been made to Claims 7, 11, 12, 13, 15, 16, 17, 18, 19, 20, 25, 28, 29, 30, 32, 33, 34, 35, and 36. This limitation is neither taught nor suggested by the applied references.

Kim describes a controller for use in a video signal encoding system. The controller in Kim provides an arithmetic unit for generating a quantization parameter for each macroblock in the picture. The arithmetic unit calculates a group of predetermined equations based on the sequential number of the macroblock currently being encoded (See Abstract). Kim explains that a rate controller serves to control the amount of encoded data by varying the quantization parameter QP according primarily to, e.g., the buffer fullness and activity of an input image. (See col. 3, lines 9-14; emphasis added). The modified quantization parameter used in quantizing each macroblock is calculated from the reference quantization parameter based on the spatial activity of the image. (See col. 5, lines 2-5; emphasis added). In this way, the controller in Kim uses the overall or partly encoded current frame to calculate quantities or quantization parameters and does not use only a reference frame. (See col. 6, lines 45-53). A disadvantage of utilizing the current frame to calculate quantities is additional and unnecessary computations may occur. Nowhere does Kim describe a method or system for calculating quantities that does not rely upon the current frame. Thus, the applied reference fails to disclose, *inter alia*, the structure recited by amended Claims 1, 7, 11, 12, 13, 15, 16, 17, 18, 19, 20, 25, 28, 29, 30, 32, 33, 34, 35, and 36. Therefore, Applicant respectfully requests reconsideration of these amended claims. Dependent Claims 2-6, 8-10, 14, 21-24, 26-27, and 31 depend directly from one of independent Claims 1, 7, 13, 20, 25, 30, or 36 and, thus, are patentable for at least the same reasons that support the allowance of the respective claim from which they depends.

Appl. No. : 10/001,736  
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**New Claims 37 and 38 Have Been Added**

Applicants have re-written dependent Claims 10 and 27 into independent form, to include all of the limitations of the base claims and any intervening claims, as new Claims 37 and 38, respectively. Consideration of these claims is respectfully requested.

**CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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